

REMARKS

1. Introduction

Claims 1 and 3-13 are pending. Claims 1 and 3-6 have been rejected as anticipated by Pinkerton, US Patent No. 5302874. Claim 7 has been rejected as being obvious over Pinkerton in view of Koenig, US Patent No. 6250577. Claims 8-13 have been added to the application. No new matter has been added. Applicant asserts that the claims as previously presented were neither anticipated nor obvious for the reasons stated in the response filed February 2, 2009. Nevertheless, in order to expedite the prosecution of this application, Applicant has submitted the foregoing amendments and following remarks. Applicant respectfully submits that all claims are currently in condition for allowance.

2. Claim 1

Claim 1 has been amended to include the limitation that the annular binding band surrounds, and exerts a preload force on, the annular magnet. Pinkerton does not teach such an invention. Pinkerton discloses a “housing with a cylindrical body 12 and annular end walls 14 of non-magnetic material such as aluminum.” See, col. 8, lns. 27-29. Pinkerton’s “housing” is not a binding band exerting a force on a magnet. Rather, it is merely a container disposed about the assembly in order to enclose it. As clearly shown in Fig. 7, the housing 12 is not in contact with an annular magnet as recited in claim 1 and therefore can not exert a force on the magnets.

Moreover, it would not have been obvious to one of ordinary skill in the art to modify the housing disclosed in Pinkerton to exert a force on the magnets. As shown in Fig. 5, structural elements, such as supports 30 and 32, are disposed between the magnets and housing 12.

Modifying Pinkerton by having the housing exert a force on the magnets would destroy the device.

Accordingly, Pinkerton neither discloses nor suggests all of the elements of claim 1. Applicant respectfully requests the withdrawal of the rejection to claim 1.

2. Claim 8

Claim 8 is directed to a magnetic bearing having a hub, an annular magnet mounted on said hub and divided in a circumferential direction, and an annular binding band surrounding said annular magnet and exerting an inwardly directed radial force thereon. Applicant respectfully submits that none of the cited references disclose or suggest all the limitations of claim 8.

As discussed above, the housing of Pinkerton is separated from the magnets. Because of this, the housing can not exert a force on the magnets. Similarly, it would not have been obvious to one of ordinary skill in the art to modify the housing in Pinkerton to exert a force on the magnets because doing so would destroy the structure of the device.

Accordingly, Pinkerton neither discloses nor suggests all of the elements of claim 8. Applicant respectfully requests the allowance of claim 8.

3. Claims 3-7 & 9-13

Claims 3-7 have been previously rejected. Claims 9-13 have been added to this application. These claims are dependent, at least indirectly, from allowable claims 1 or 8. Accordingly, Applicant respectfully requests the withdrawal of the rejections to claims 3-7, and the allowance of claims 9-13.

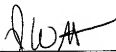
CONCLUSION

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Please charge the fee for the Request for Continued Examination and a one month extension of time, along with any further required fees to Deposit Account 50-0548.

Respectfully submitted,



Joseph W. Berenato, III
Registration No. 30,546
Attorney for Applicant

Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Ste. 240
Bethesda, Maryland 20817
(301) 896-0600
Date: February 2, 2009